

# Indiana Constructor

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A Publication of the Associated General Contractors of Indiana

**4** SAFETY LAW  
A Supervisor's Liability for Safety

**6** FEATURE  
The Future of Safety is Health

**16** FEATURE  
Fatal Work Injuries:  
An Analysis by the Indiana Commissioner of Labor

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Indiana Contractors Leading  
by Example in Safety





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## FEATURES

May / June 2006

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### Front Cover

Jon Woolsey, **Pepper Construction**, conducting a safety audit



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# Fatal Work Injuries:

## An Analysis by the Indiana Commissioner of Labor



By Miguel R. Rivera, Sr.  
Commissioner, Indiana Department of Labor

Fifteen short months, that is all the time it has been since Governor Mitch Daniels took the oath of office and we all got to work building Indiana's comeback. Fifteen months during which we have worked to improve the service provided by the Indiana Department of Labor (the "Agency"). But it did not take fifteen months to realize that Indiana has a problem...a problem with deaths resulting from falls at construction sites.

Shortly after assuming office in January 2005, I requested data from the agency staff concerning the overall rate of death in Indiana's workplaces, the leading causes of death, and examples of the latest workplace fatalities. My questions resulted in blank stares and embarrassed faces. There were no answers, but not because the data was not available. No, worse than that, the reason we did not have the answers was because we had not even been asking the questions.

When we did pull together some data, we noticed that there were several deaths resulting from falls. In fact, January 2005, my first month on the job, was not a good month. On January 19th a 20 year old construction worker fell to his death from off a roof; the same scenario was repeated on February 1st and then again on March 2nd. I began to think we had a serious problem.

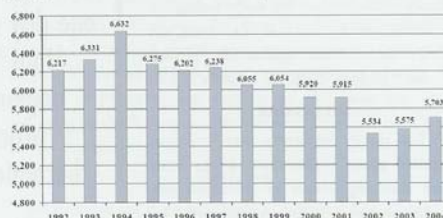
Though my conclusions were anecdotal and based more upon a "gut" feeling really rather than any detailed data analysis, I knew that further study was required and that a potential reaction plan had to be prepared. What follows is a discussion of the Agency's analysis of both national and state-specific data, what we concluded, and what we need to do to reduce workplace deaths and eventually to meet our ideal goal of zero workplace fatalities in the State of Indiana.

### A NATIONAL ANALYSIS OF WORKPLACE DEATHS

Workplace fatalities have been on a slow but steady decline over the last twelve years. Chart 1 depicted, after an increase in workplace deaths between 1992 and 1994, the national number of workplace fatalities decreased by 14% from 1994 through 2004 (2004 is the last full year for which the Federal Department of Labor's Bureau of Labor Statistics has data). This data represented an overall move in the right direction. However, the 2004 numbers showed a 2% increase in workplace fatalities over the previous year. This was not a large move, an increase of just

128 deaths nationally, but it was a potential trend that required further scrutiny.

Chart 1 Number of fatal work injuries, 1992-2004



The 5,763 work-related fatalities recorded in 2004 represents an increase of 2 percent from the revised total of 5,575 fatal work injuries reported for 2003.

SOURCE: U.S. Department of Labor, Bureau of Labor Statistics, Census of Total Occupational Injuries, 2004.

The rate at which fatal injuries occurred during this same period of time was also telling. The rate is an important number because it is the ratio of fatalities to the number of people employed. This number gives us an idea of the actual rate at which people are dying in the workplace and takes into consideration the number of people employed during the same period. It allows for a more accurate year-to-year comparison and eventually, when looked at from an industry perspective, it allows for a comparison of different industries.

Chart 2, the rate of fatal work injuries per 100,000 workers,

Chart 2 Rate of fatal work injuries per 100,000 workers, 1992-2004



The rate of fatal work injuries in 2004 was 4.1 fatalities per 100,000 workers, up from 4.0 in 2003. This was the first increase in the overall national fatality rate since 1994.

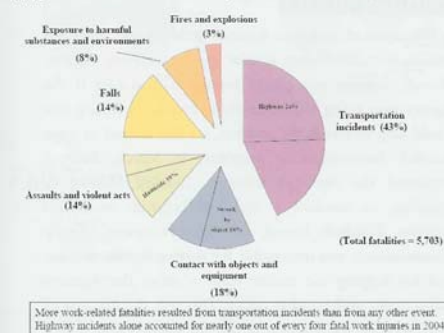
NOTE: Fatal work injuries (Department of Labor, Bureau of Labor Statistics, Census of Total Occupational Injuries, 2004). Rate is 100 workers per 100,000 workers. Employment data, except for 1992, based on the Census Department's Survey of Current Business. 1992 data based on Department of Commerce (GDP) figures. SOURCE: Data from 1992 and 1993 available from the Bureau of Labor Statistics. Rates for 1992-2003 calculated using personal injury data. SOURCE: U.S. Department of Labor, Bureau of Labor Statistics, Census of Total Occupational Injuries, 2004. Bureau of the Census, and U.S. Department of Commerce.

identified a pattern similar to the actual numbers of workplace fatalities by year. Both the number of workplace fatalities and the rate at which these fatalities were occurring over the same period, showed a trend toward fewer deaths but also a recent increase in workplace deaths between 2003 and 2004. This increase from 4.0 in 2003 to 4.1 in 2004 was the first increase in the overall national workplace fatality rate since 1994 and caught the Agency's attention.

The data begged the question, "From what are these workers dying?" Chart 3 detailed the breakdown of workplace fatalities for the year 2004. Transportation incidents were the leading cause of death in the workplace, followed by contact with objects and equipment (being struck by or crushed by a piece of equipment), falls, and homicides (assaults and violent acts). More work-related fatalities resulted from transportation incidents than from any other event. Highway accidents alone accounted for nearly one out of every four fatal work injuries in 2004.

This fact was not surprising. We all know how violent our nation's highways can be. Highway safety is a complex issue involving the jurisdiction of many federal, state, county and local agencies and officials. It is not a problem that the Agency can tackle by itself. Given the Agency's limited jurisdiction (the Indiana Department of Labor does not have jurisdiction over family farms, federal buildings and does not have direct responsibility for highway safety); I wanted to address a problem that my Agency staff and I could impact more directly. The problem of falls was a likely candidate.

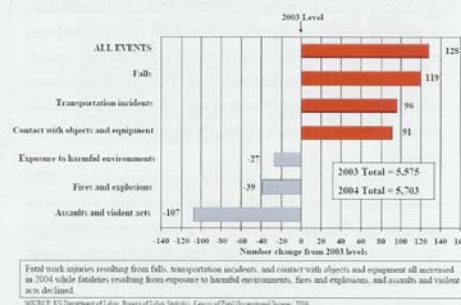
Chart 3 The manner in which workplace fatalities occurred, 2004



What was especially interesting to our inquiry was the data in Chart 4: the differences in workplace fatalities between 2003 and 2004. Deaths from falls led the pack in terms of the increase in the number of fatalities year-to-year. A comparison of Chart 3 and Chart 4 revealed that though workplace deaths from

transportation incidents top the chart in total deaths in 2004, deaths from falls had taken the lead in terms of the increase in deaths between 2003 and 2004. This was the first sign that my

Chart 4 Difference in workplace fatality counts from 2003 to 2004 by fatal event



"gut" feeling, that anecdotal tug at my mind, might be right.

Further analysis indicated that though deaths from highway incidents had slightly declined between 1992 and 2004, and workplace homicides had declined sharply during that same period, deaths from being struck by an object had remained relatively steady and most telling for the Agency's analysis, deaths

Chart 5

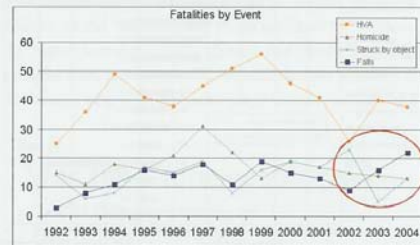


Chart 6



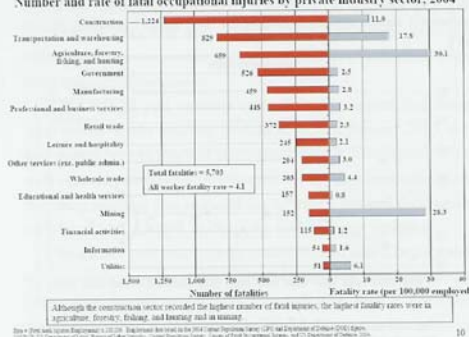


from falls had been inching ever higher (Charts 5 and 6).

Except for deaths resulting from highway incidents, deaths from falls was beginning to look like one of the nation's leading causes of workplace fatalities and a significant reason for concern. This conclusion became more significant when the Agency analyzed the number and rate of fatal occupational injuries by major occupational groups. Charts 7, 8 and 9 together began to fill in the details about what kinds of jobs people were doing when they fell to their deaths. The occupations were those of the construction industry.

In 2004, the construction industry experienced 1,224 workplace fatalities to top the nation in workplace deaths by occupation. Though the rates of injuries were higher in agriculture, forestry, fishing, and hunting (all areas, for the most part, outside the Agency's jurisdiction), mining and transportation, construction still managed to come in fourth place with a rate of 11.9 deaths per 100,000 employed—significantly above the national average rate of 4.1 deaths per 100,000 employed.

Chart 7  
Number and rate of fatal occupational injuries by private industry sector, 2004



**Chart 8** Distribution of fatalities across occupations in the private construction industry, 2003-2004

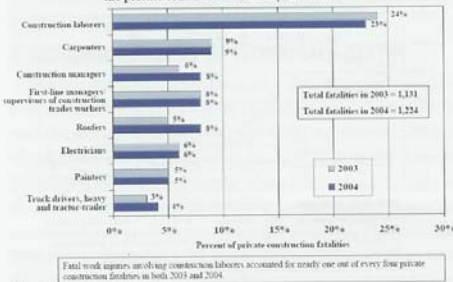
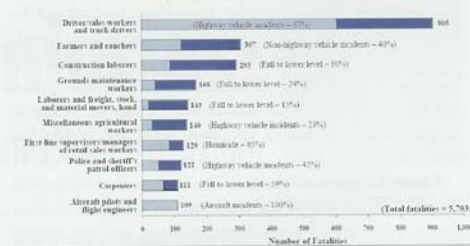


Chart 9  
Fatal injury counts and most frequent event for selected occupations with large numbers of worker fatalities, 2004



The construction industry is a significant contributor to the overall number of workplace fatalities in the United States. When the private construction industry data is isolated, nearly one in every four fatalities in both 2003 and 2004 was a laborer (Chart 8). And 30% of these laborer fatalities were falls to lower levels (Chart 9).

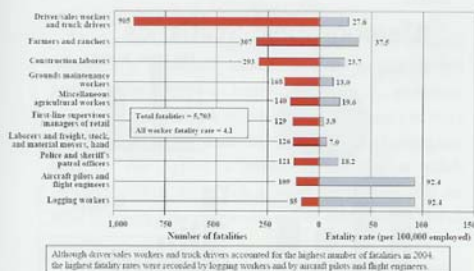
The data led me to the conclusion that if you were a construction laborer in America, you were engaged in a dangerous occupation. In fact, among selected occupations in 2004, construction laborers had a rate of death per 100,000 employed, of 23.7 (remember that the national average rate of deaths per 100,000 employed was only 4.1) (Chart 10). I wondered how Indiana would compare to the rest of the nation.

## INDIANA'S NUMBERS

The causes of workplace fatalities in the United States and Indiana for 2004 were similar in almost every respect. Overall, Indiana was pretty average (Chart 10). If the Agency were going to find anything useful, something that would help us attack the problem, we had to look at more detailed, Indiana-specific numbers. In March, 2005, I requested the Agency's division, Quality Metrics & Statistics, to conduct a study of Indiana's workplace fatalities. Elizabeth Friend, the Agency's newest Deputy Commissioner, was responsible for developing this division and for helping me utilize data to drive the Agency's enforcement and training policy. This was the first test of what was for the Agency, if not for other states, a new approach.

The study analyzed the Agency's workplace fatality statistics for Indiana for a fifteen month span from January 2004, through March 2005. What we learned from this study confirmed everything that we had concluded from our national data review: that Indiana's construction industry

Chart 10 Number and rate of fatal occupational injuries for selected occupations, 2004



Although drivers, vehicle operators, and truck drivers accounted for the highest number of fatalities in 2004, the highest fatality rates were recorded by logging workers and by aircraft pilots and flight engineers.

had a significant problem with workplace deaths resulting from falls.

During this fifteen month period there were 20 deaths as a result of falls in Indiana (Chart 11). Falls accounted for 16% of all work-related fatalities nationally, but falls counted for 30% of the fatalities inspected by the Agency during this fifteen month period of time (Chart 12). A full 75% of these falls occurred while the workers were

Chart 11 Causes of Work-related Fatalities

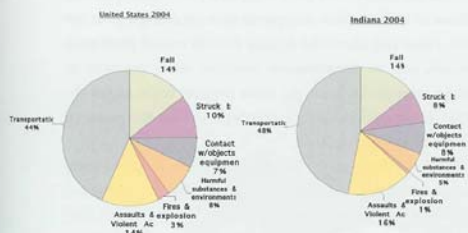


Chart 12

## Fall Trends

- 20 Falls
- 18 Deaths
- 1 Paralysis
- 1 Catastrophe (2 in group fell)

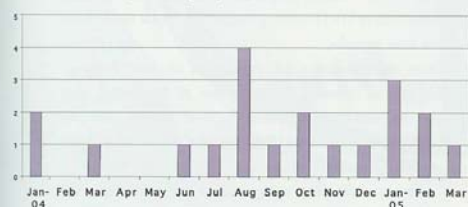
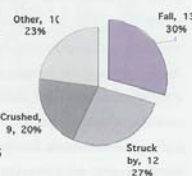


Chart 13

## 2004 Fatalities

- Falls are the most frequent work fatality in Indiana
- 30% of Indiana work fatalities are Falls
- Nationally 16% of work fatalities are falls



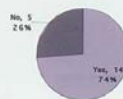
performing tasks where falling was a known and expected hazard (Chart 13).

A more detailed analysis of Indiana's falls data showed that workplace deaths from falls involving men represented 95% of the 20 deaths from falls during the study period. Deaths from falls were occurring disproportionately to men between the ages of 20 through 29 and 40 through 49. These workplace deaths from falls were occurring primarily with employers who employed fewer than 100 persons (Chart 14). These employers were predominately engaged in residential construction and projects smaller than \$1 million. As the "fall reference" graph on Chart 14 indicates, the Agency's analysis clearly showed that deaths from falls occurred from any height. (Please note that the numbers at the bottom of the fall reference graph do not correlate to a

Chart 14

## Was fall a foreseeable risk?

- 3/4 of falls were during an activity where falling is a significant risk.
- 7 falls were from roof related activities
- 2 falls were off maltrits
- Unexpected falls were when elements gave way or from activities where risk of fall is not perceived.
- 2 falls where victim slipped on ground



count of any kind but rather are numbers assigned to specific fatality cases.)

What did we conclude? During the fifteen month period of time examined in the study, Indiana's workplace death rate from falls was disproportionately high. A full three quarters of these falls could have been prevented because the

deaths occurred performing tasks where falling was a known hazard. Falls clearly affected men in disproportionate numbers when compared to women. Younger men fell as a result of taking risks, e.g. leaning over a ledge or roof; while older men fell as a result of losing their balance while working on ladders and lifts. The falls were occurring with men working for small to medium-sized companies that employed fewer than 100 employees. What was surprising was that these deaths occurred from many different heights, i.e. you are not safe from a fall at any height.

### INDIANA'S REACTION PLAN

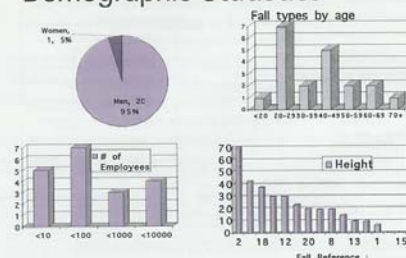
The Indiana Department of Labor has the ability to respond to workplace injuries and deaths in two fundamental ways: enforcement and consultation. Traditionally most of Indiana's employers have experienced the Agency through its law enforcement division, the Indiana Occupational Safety and Health Administration ("IOSHA"). Few of Indiana's businesses have taken advantage of, or had interaction with, the Agency's consultation arm, INSafe (previously known as BuSET: the Bureau of Safety Education and Training). Enforcement is by its very nature reactive; while consultation services are designed to be proactive. Since January 2005, the Agency has significantly increased our focus on this proactive approach to safety, an approach which forms the foundation for solving the problem of falls in Indiana.

What we learned at the Agency in early 2005, told us we needed to do a much better job of inspecting construction sites where the accidents were occurring and that we also needed to dramatically increase the number of consultations we were performing at construction sites and with construction companies. When we analyzed how IOSHA was generating random inspections, we discovered that the search criteria used did not include either projects that had a value of less than \$2 million dollars or any residential construction projects. We amended our search criteria to lower the dollar threshold and began to produce inspections for residential construction sites for the first time in anyone's memory. The reaction by the residential construction industry was swift...they called and requested INSafe consultation services.

The Agency was aware that it had a great deal of work to do to build trust, so we reached out to form partnerships within the construction industry. We formed safety partnerships with the Indiana Chamber of Commerce, the Metro Indianapolis Coalition for Construction Safety ("MICCS"), and the Elkhart Chamber of Commerce, and we will soon complete a partnership with Associated

Chart 15

### Demographic Statistics



General Contractors ("AGC"). We formed project-specific construction safety partnerships for: the new Indianapolis International Airport; the Indianapolis Convention Center; the new Colt's Stadium; and with Duke Realty for the new Simon headquarters in downtown Indianapolis. These partnerships give the Agency unprecedented access to a company's injury experience on a project and allow the Agency to work with companies to identify issues and correct the same before there is an injury or death. This also allows us to learn from companies that are doing a great job with safety and allows the Agency to both reward good track records and to communicate excellent safety practices to others around the State. As other projects begin across the state, site-specific safety partnerships will be the preferred model of enforcement.

Realizing the need for bilingual, culturally-sensitive safety training and consultation services, the Agency hired and trained two bilingual industrial and construction safety consultants in its INSafe division. Working with *Simply Spanish*, a small but growing Indiana company, INSafe produced a construction safety DVD in Spanish that is available to all of Indiana's construction companies and can be purchased from the following website: [www.simplyspanishatwork.com](http://www.simplyspanishatwork.com). INSafe is presently working with *Simply Spanish* to produce a fall protection/safety DVD that is planned for release in the next three to four months.

INSafe also created a fall protection seminar, both in English and in Spanish, which is free to businesses who request its assistance. Through our safety training partnerships at the Indiana Chamber of Commerce and the Indiana Manufacturer's Association ("IMA"), the Agency is now offering fully-paid safety training scholarships for seminars through both these organizations. These



scholarships are available to businesses that can show a need and who employ fewer than 200 employees.

The Agency's overall approach is to partner with Indiana's businesses in a proactive alliance designed to identify and prevent hazards *before* an injury or death in the workplace occurs. We want to work with business and industry to meet the goal that we all share- an Indiana free of workplace fatalities. The Agency is measuring the rate at which Indiana's workers die of falls at construction sites, and we hope to report a decrease in the rate of deaths at the end of this year.

We need your help to ensure that Indiana's rate of deaths resulting from falls at construction sites continues to decline.

- Be sure that you have well documented safety training programs, including fall protection, and that all of your workers are trained in what to do and how to act. Make safety an every-day part of your work site.
- Start each day with a safety briefing, end the lunch period with a safety reminder, close the day looking at how safe the workplace was that day, and summarize what you learned about safety.

- Sponsor lunch box safety chats.
- Have more experienced workers look after the younger, less experienced ones.
- Talk to companies who are doing it right. You can learn who these companies are by asking the Agency for a list of its MICCS Certified Partners. These partners know what to do, have innovative ideas, and want to help you be safer.

Think of creative ways to make safety personal to you and your workers. Utilize the resources and consultation services offered by the Indiana Department of Labor through the INSafe program. If you are a member of MICCS, become a certified MICCS partner. If you are not a member of MICCS, AGC, the Indiana Chamber, etc., join and get involved in safety seminars and safety events.

Why be safe? Why not? Go home after work feeling good and healthy. Be safe for your spouse, your children, your parents, or the pet dog or cat. Be safe so you can go fishing, watch the race, read a book, hit some golf balls. Whatever motivates you to be safe and to think about safety on a daily basis- find it, and use it to motivate yourself to stay alive on the job. Hey, let's be careful out there!

For free consultation services call INSafe at (317) 232-2655 or visit our website [www.in.gov/labor/](http://www.in.gov/labor/).

